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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,128	10/18/2005	Susumu Kobayashi	F-8789	1361
28107 7590 01/28/2008 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER TRAN, HANH VAN	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 01/28/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/550,128	<b>Applicant(s)</b> KOBAYASHI, SUSUMU	
	<b>Examiner</b> Hanh V. Tran	<b>Art Unit</b> 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This is the Final Office Action from the examiner in charge of this application in response to applicant's amendment dated 11/5/2007.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4-6, and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by USP 6,217,139 to Henriott et al.

Henriott et al '139 discloses a rail fixing part structure comprising all the elements recited in the above listed claims including, such as shown in Figs 39-41, a metal rail 130 comprising a flange; a drawer; ribs (defined by mounting groove 132) at a side surface of the drawer, a body (such as shown in Figs 2A) houses the drawer, wherein the metal rail 130 is fixed to the drawer, the metal rail 130 slidably supports said drawer in the body, said flange extends along a longitudinal direction of the rail, and toward the drawer, said flange includes a first flange surface (defined as the upper horizontal portion of member 130 and a second flange surface (defined as the lower horizontal portion of member 130), at least a first of said ribs (defined as the upper horizontal portion of groove 132) abutting said first flange surface and at least a second of said ribs (defined as the lower horizontal portion of groove 132) abutting said second flange surface; wherein the first rib comprises a first support surface, said first support surface

Art Unit: 3637

abuts said first flange surface, said first support surface extending in a direction along said first flange surface, and said first rib supports said flange through contact between said first support surface and said first flange surface, wherein said drawer comprises a screw-in-part 142, said screw-in-part 142 is connected to said flange so as to fixedly hold said flange between said first rib and said second rib, said flange comprises a screw insertion aperture 140 configured such that said screw-in-part 142 and said flange are connected with a screw 138 that extends from said screw-in-part 142 through said screw insertion aperture 140, wherein said rail comprises a guide surface 37 which extends in a longitudinal direction of said rail and also extends in a direction toward said body, wherein said rail comprises a roller at a first end of said rail, said roller being adjacent to said guide surface 37.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henriott et al in view of USP 6,010,200 to Hays.

Henriott et al '139 discloses a rail fixing part structure comprising all the elements recited in the above listed claims including, such as shown in Figs 39-41, a metal rail 130 slidably supporting a drawer housed in a body, said rail comprising a flange, wherein the metal rail 130 is fixed to the drawer, said flange extends along a longitudinal direction of the rail, and toward the drawer, said drawer has ribs (defined by mounting groove 132) at a side surface of the drawer, said ribs vertically sandwiching said flange, a support surface (defined as the lower horizontal portion of groove 132) provided at an upper end portion of a first of said ribs, said support surface extending along said flange, and said first rib supporting a lower surface of said flange, wherein said drawer comprises a screw-in-part 142 which is connected to said flange so that said flange of said rail is sandwiched between said ribs. The difference being that Henriott et al fails to disclose the material of the drawer being synthetic resin.

However, Hays shows that it is well known in the art to have a drawer made out of a synthetic resin in order to provide a drawer which is easy to clean, inexpensive to manufacture and very durable. Therefore, it would have been obvious to modify the structure of Henriott et al by having the drawer made out of a synthetic resin in order to provide a drawer which is easy to clean, inexpensive to manufacture and very durable, as taught by Hays, since both teach alternate conventional drawer structure, used for the same intended purpose, thereby providing structure as claimed.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henriott et al in view of USP 6,010,200 to Hays.

Henriott et al discloses all the elements as discussed above except for the drawer being synthetic resin.

However, Hays shows that it is well known in the art to have a drawer made out of a synthetic resin in order to provide a drawer which is easy to clean, inexpensive to manufacture and very durable. Therefore, it would have been obvious to modify the structure of Henriott et al by having the drawer made out of a synthetic resin in order to provide a drawer which is easy to clean, inexpensive to manufacture and very durable, as taught by Hays, since both teach alternate conventional drawer structure, used for the same intended purpose, thereby providing structure as claimed.

### ***Response to Arguments***

8. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

Art Unit: 3637

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh V. Tran whose telephone number is (571)272-6868. The examiner can normally be reached on Monday-Thursday, and alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3637

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HVT *HVT*  
January 20, 2008

LANNA MAI  
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